REMARKS/ARGUMENTS

Claims 1-40 are pending in the present application. The Examiner has rejected claims 1-11, 13-19, 21-29, 31-37 and 39-40. The Examiner has objected to claims 12, 20, 30 and 38. Applicant respectfully requests reconsideration of pending claims 1-40.

The Examiner has objected to claims 12, 20, 30 and 38 as allegedly being dependant upon a rejected claim, but would be allowable if rewritten in independent form.

The Examiner has rejected claims 9 and 28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes grammatical errors. Applicant has amended claims 9 and 28 to recite "...dispensable call signaling messages...." Applicant submits the amendments are merely cosmetic, effecting the correction of grammatical errors, and do not introduce new matter. Thus, Applicant submits the rejection of claims 9 and 28 has been obviated.

The Examiner has rejected claims 1-11, 14-19, 21-29, 31-37, 39, and 40 under 35 U.S.C. §102(b) as allegedly being anticipated by Willmann, et al. (U.S. Patent 5,521,923). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 1. As one example, Applicant submits the cited portions of the cited reference fail to disclose "receiving a plurality of call signaling messages." While the Examiner cites "(D1, D2, D3, Fig. 1)," Applicant sees elements D1, D2, and D3 each described as a "DATA PACKET" in Fig. 1, not as "call signaling messages." As another example, Applicant submits the cited portions of the cited reference fail to disclose "when queue occupancy level compares unfavorably with the first queue occupancy threshold, enqueuing the plurality of call signaling messages into the call processing queue based on types of call signaling messages." While the Examiner cites "(col. 6, lines 3-7 and 24-31)," Applicant notes the Examiner has also cited "(n, col. 5, lines 32-33)," which states, "...n corresponds to the total number of data packets in both queues QU1 and QU2," as well as "(N, col. 6, line 8...)," which states, "The thresholds S1 and N are set to a value equal to the maximum number of data packets that can be stored in the buffer memory MEM." Accordingly, Applicant submits the cited portions of the cited reference appear to teach away from "when queue occupancy level compares unfavorably with the first queue occupancy threshold,

enqueuing the plurality of call signaling messages into the call processing queue based on types of call signaling messages," as the "method and facility" described in the cited portions of the cited reference would apparently be unable to perform "enqueuing the plurality of call signaling messages into the call processing queue based on types of call signaling messages" when "n" compares unfavorably to "N" (according to the Examiner's apparent interpretation), as an attempt to enqueue any additional data packet would exceed the "maximum number of data packets that can be stored in the buffer memory MEM." If, as stated in col. 6, lines 29-31, "one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1," it would appear that "n" would no longer compare unfavorably to "N" (according to the Examiner's apparent interpretation). Thus, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 2. Applicant has submitted arguments for the allowability of claim 1. Thus, Applicant submits claim 2 is also in condition for allowance.

Regarding claim 3, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 3. As one example, Applicant submits the cited portions of the cited reference fail to disclose "enqueuing the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner cites "(col. 6, lines 3-7 and 24-31)," Applicant notes the Examiner has argued, with respect to claim 2, that teaching as to "dispensable" in the cited reference relate to "(lower priority class)." Yet, col. 6, lines 30 and 31, of the cited reference state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. As another example, Applicant submits the cited portions of the cited reference fail to disclose "when the call signaling message is an indispensable message, enqueuing the call signaling message into the call processing queue," in accordance with Applicant's arguments as presented with respect to claim 1. Thus, Applicant submits claim 3 is in condition for allowance.

Regarding claim 4, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 4. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when the previously queued dispensable message does not exist and when the call signaling message is a dispensable message, dropping the call signaling message." While the

Examiner cites "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," Applicant does not see teaching in any of the cited portions of the cited reference as to "when the previously queued dispensable message does not exist and when the call signaling message is a dispensable message...." Thus, Applicant submits claim 4 is in condition for allowance.

Regarding claim 5, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 5. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when a call signaling message of the plurality of call signaling messages is a dispensable message or an indispensable message, deleting from the call processing queue a previously queued dispensable message when the previously dispensable message exists" and "enqueuing the call signaling message into the call processing queue when the previously queued dispensable message is deleted." Rather, Applicant submits the cited portions of the cited reference teach away from such features. As one example, Applicant notes col. 6, lines 30 and 31, which state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 5 is in condition for allowance.

Regarding claim 6, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 5. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when the previously queued dispensable message does not exist and when the call signaling message is a dispensable message, dropping the call signaling message." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 4," in relation to which the Examiner cited "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," Applicant does not see teaching in any of the cited portions of the cited reference as to "when the previously queued dispensable message does not exist and when the call signaling message is a dispensable message...." Thus, Applicant submits claim 6 is in condition for allowance.

Regarding claim 7, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 7. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message, deleting from the call processing queue a previously queued indispensable message when the previously indispensable message exists" and "enqueuing the call signaling message into the call processing queue when the previously queued

indispensable message is deleted." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 3," Applicant notes the Examiner cited "(col. 6, lines 3-7 and 24-31)" in the rejection of claim 3. Applicant submits the cited portions of the cited reference teach away from the claimed invention. As one example, Applicant notes col. 6, lines 28 and 29, states, "...and data packets are still stored in the queue QU2 of the lower priority class P2...." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 7 is in condition for allowance.

Regarding claim 8, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 8. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message, dropping the call signaling message." The Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 4." Applicant notes the Examiner cited "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," in the rejection of claim 4. Applicant notes col. 3, lines 10-12, state, "Data packets of queues which are not so important are deliberately rejected within given limits in order to make room for data packets of greater importance." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 8 is in condition for allowance.

Regarding claim 9, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 9. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when in a sustained overloading condition, dequeuing dispensable call signaling messages in a first dequeuing manner from the call processing queue." While the Examiner cites "(col. 6, lines 3-7 and 24-31)," Applicant notes col. 6, lines 28-31, state, "...data packets are still stored in the queue QU2 of the lower priority class P2, one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 9 is in condition for allowance.

Regarding claim 10, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 10. Applicant submitted arguments for the allowability of claims from which claim 10 depends. Thus, Applicant submits claim 10 is also in condition for allowance.

Regarding claim 11, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 11. As one example, Applicant submits the cited portions of the cited reference fail to disclose "maintaining a plurality of dequeuing lists, wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." While the Examiner cites "(list of vacant locations and priority queues QU1, QU2, see claim 14)," Applicant submits the Examiner does not indicated how the Examiner apparently considers two types of items (a "list of vacant locations" and "priority queues QU1, QU2"), as cited by the Examiner, to allegedly disclose all of "wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 11. Thus, Applicant submits claim 11 is in condition for allowance.

Regarding claim 14, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 14. As one example, Applicant submits the cited portions of the cited reference fail to disclose "receiving a plurality of call signaling messages." While the Examiner cites "(D1, D2, D3, Fig. 1)," Applicant sees elements D1, D2, and D3 each described as a "DATA PACKET" in Fig. 1, not as "call signaling messages." As another example, Applicant submits the cited portions of the cited reference fail to disclose "when in a sustained overload condition, dequeuing a first type of call signaling message from the call processing queue in a first dequeuing manner." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 1," Applicant notes claim 1 does not recite "dequeuing" subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 14. Thus, Applicant submits claim 14 is in condition for allowance.

Regarding claim 15, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 15. As one example, Applicant submits the cited portions of the cited reference fail to disclose "wherein the types of call signaling messages include dispensable messages

and indispensable messages." Applicant notes Applicant has presented arguments for the allowability of claim 14, from which claim 15 depends. Thus, Applicant submits claim 15 is also in condition for allowance.

Regarding claim 16, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 16. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when a call signaling message of the plurality of call signaling messages is a dispensable message, deleting from the call processing queue a previously queued dispensable message when the previously dispensable message exists" and "enqueuing the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 3," Applicant notes the Examiner has argued, with respect to claim 2, that teaching as to "dispensable" in the cited reference relate to "(lower priority class)." Yet, col. 6, lines 30 and 31, of the cited reference state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 16 is in condition for allowance.

Regarding claim 17, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 17. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when a call signaling message of the plurality of call signaling messages is a dispensable message or an indispensable message, deleting from the call processing queue a previously queued dispensable message when the previously dispensable message exists" and "enqueuing the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 5," Applicant submits the cited portions of the cited reference teach away from such features. As one example, Applicant notes col. 6, lines 30 and 31, which state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 17 is in condition for allowance.

Regarding claim 18, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 18. As one example, Applicant submits the cited portions of the cited reference fail to disclose "when the previously queued dispensable message does not exist and when

the call signaling message is an indispensable message, deleting from the call processing queue a previously queued indispensable message when the previously indispensable message exists" and "enqueuing the call signaling message into the call processing queue when the previously queued indispensable message is deleted." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 4," and the Examiner cites, with respect to claim 4, "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," Applicant does not see teaching in any of the cited portions of the cited reference as to "when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message...." Thus, Applicant submits claim 18 is in condition for allowance.

Regarding claim 19, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 19. As one example, Applicant submits the cited portions of the cited reference fail to disclose "maintaining a plurality of dequeuing lists, wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call signaling messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 11, and Examiner cites, with respect to claim 4, "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," and the Examiner cites, with respect to claim 11, "(list of vacant locations and priority queues QU1, QU2, see claim 14)," Applicant submits the Examiner does not indicated how the Examiner apparently considers two types of items (a "list of vacant locations" and "priority queues QU1, QU2"), as cited by the Examiner, to allegedly disclose all of "wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call signaling messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 19. Thus, Applicant submits claim 19 is in condition for allowance.

Regarding claim 21, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 21. As one example, Applicant submits the cited portions of the cited reference fail to disclose "dequeuing dispensable call messages from the call processing queue in a LIFO manner based on the ordered list of dispensable messages when in a sustained overloading condition." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 9, and Examiner cites, with respect to claim 9, "(col. 6, lines 3-7 and 24-31)," Applicant notes col. 6, lines 28-31, state, "...data packets are still stored in the queue QU2 of the lower priority class

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P2, one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 22. As one example, Applicant submits the cited portions of the cited reference fail to disclose "receive a plurality of call signaling messages." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 1," and the Examiner cites, with respect to claim 1, "(D1, D2, D3, Fig. 1)," Applicant sees elements D1, D2, and D3 each described as a "DATA PACKET" in Fig. 1, not as "call signaling messages." As another example, Applicant submits the cited portions of the cited reference fail to disclose "enqueue, when queue occupancy level compares unfavorably with the first queue occupancy threshold, the plurality of call signaling messages into the call processing queue based on types of call signaling messages." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 1," Applicant notes the Examiner has also cited, with respect to claim 1, "(n, col. 5, lines 32-33)," which states, "...n corresponds to the total number of data packets in both queues QU1 and QU2," as well as "(N, col. 6, line 8...)," which states, "The thresholds S1 and N are set to a value equal to the maximum number of data packets that can be stored in the buffer memory MEM." Accordingly, Applicant submits the cited portions of the cited reference appear to teach away from "enqueue, when queue occupancy level compares unfavorably with the first queue occupancy threshold, the plurality of call signaling messages into the call processing queue based on types of call signaling messages," as the "method and facility" described in the cited portions of the cited reference would apparently be unable to perform "enqueue, when queue occupancy level compares unfavorably with the first queue occupancy threshold, the plurality of call signaling messages into the call processing queue based on types of call signaling messages" when "n" compares unfavorably to "N" (according to the Examiner's apparent interpretation), as an attempt to enqueue any additional data packet would exceed the "maximum number of data packets that can be stored in the buffer memory MEM." If, as stated in col. 6, lines 29-31, "one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1," it would appear that "n" would no longer compare unfavorably to "N" (according to the Examiner's apparent interpretation). Thus, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 23. Applicant has submitted arguments for the allowability of claim 22, from which claim 23 depends. Thus, Applicant submits claim 23 is also in condition for allowance.

Regarding claim 24, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 24. As one example, Applicant submits the cited portions of the cited reference fail to disclose "delete a previously queued dispensable message from the call processing queue when a call signaling message of the plurality of call signaling messages is a dispensable message and when the previously dispensable message exists" and "enqueue the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 3," and cites, with respect to claim 3, "(col. 6, lines 3-7 and 24-31)," Applicant notes the Examiner has argued, with respect to claim 2, that teaching as to "dispensable" in the cited reference relate to "(lower priority class)." Yet, col. 6, lines 30 and 31, of the cited reference state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 24 is in condition for allowance.

Regarding claim 25, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 25. As one example, while the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 1," Applicant notes the Examiner did not allege teaching in the cited portions of the cited reference as to "compare the queue occupancy level with a second queue occupancy threshold." Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 25. Moreover, Applicant submit the cited portions of the cited reference fail to disclose "when the queue occupancy level compares unfavorably with the second queue occupancy threshold: delete a previously queued dispensable message from the call processing queue when a call signaling message of the plurality of call signaling messages is a dispensable message or an indispensable message and when the previously dispensable message exists; and enqueue the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner cites "(col. 6, lines 3-7 and 24-31)" with respect to claim 1, Applicant sees no teaching in the cited portion of the cited reference as to "...when a call signaling message of the plurality of call signaling messages is a dispensable message or an indispensable message...." Therefore, Applicant submits the Examiner has failed to make a *prima*

facie showing of anticipation with respect to claim 25. Thus, Applicant submits claim 25 is in condition for allowance.

Regarding claim 26, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 26. As one example, Applicant submits the cited portions of the cited reference fail to disclose "delete a previously queued indispensable message from the call processing queue when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message and when the previously indispensable message exists" and "enqueue the call signaling message into the call processing queue when the previously queued indispensable message is deleted." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 18," and, for claim 18, the Examiner stated, "it is rejected for the same reasons as stated in the rejection of claim 4," and the Examiner cites, with respect to claim 4, "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," Applicant does not see teaching in any of the cited portions of the cited reference as to "when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message...." Moreover, Applicant submits the Examiner does not, with respect to the rejection of claim 4, allege teaching as to the subject matter of claim 26. Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with respect to claim 26. Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 26 is in condition for allowance.

Regarding claim 27, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 27. As one example, Applicant submits the cited portions of the cited reference fail to disclose "drop the call signaling message when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 4," and the Examiner cites, with respect to claim 4, "(col. 3, lines 9-12, col. 6, lines 34-40, claim 1)," Applicant does not see teaching in any of the cited portions of the cited reference as to "drop the call signaling message when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message." Moreover, Applicant submits the Examiner does not, with respect to the rejection of claim 4, allege teaching as to the subject matter of claim 27, for example, "...when the call signaling message is an indispensable message...." Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with respect to claim 27. Therefore,

Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 27 is in condition for allowance.

Regarding claim 28, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 28. As one example, Applicant submits the cited portions of the cited reference fail to disclose "dequeue dispensable call signaling messages in a first dequeuing manner from the call processing queue when in a sustained overloading condition." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 9, and Examiner cites, with respect to claim 9, "(col. 6, lines 3-7 and 24-31)," Applicant notes col. 6, lines 28-31, state, "...data packets are still stored in the queue QU2 of the lower priority class P2, one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 28 is in condition for allowance.

Regarding claim 29, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 29. As one example, Applicant submits the cited portions of the cited reference fail to disclose "maintain a plurality of dequeuing lists, wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 11, and the Examiner cites, with respect to claim 11, "(list of vacant locations and priority queues QU1, QU2, see claim 14)," Applicant submits the Examiner does not indicated how the Examiner apparently considers two types of items (a "list of vacant locations" and "priority queues QU1, QU2"), as cited by the Examiner, to allegedly disclose all of "wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 29. Thus, Applicant submits claim 29 is in condition for allowance.

Regarding claim 31, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 31. As one example, Applicant submits the cited portions of the cited reference fail to disclose "dequeue dispensable call messages from the call processing queue in a LIFO

manner based on the ordered list of dispensable messages when in a sustained overloading condition." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claims 9 and 10, and Examiner cites, with respect to claim 9, "(col. 6, lines 3-7 and 24-31)," Applicant notes col. 6, lines 28-31, state, "...data packets are still stored in the queue QU2 of the lower priority class P2, one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 31 is in condition for allowance.

Regarding claim 32, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 32. As one example, while the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 1," Applicant submits the cited portions of the cited reference fail to disclose "receive a plurality of call signaling messages." While the Examiner cites, with respect to claim 1, "(D1, D2, D3, Fig. 1)," Applicant sees elements D1, D2, and D3 each described as a "DATA PACKET" in Fig. 1, not as "call signaling messages." Also, Applicant notes the Examiner did not, with respect to claim 1, allege teaching in the cited portions of the cited reference as to "enqueue the plurality of call signaling messages into the call processing queue based on type of call signal messages and queue occupancy level of the call processing queue" and "dequeue a first type of call signal message from the call processing queue in a first dequeuing manner when in a sustained overload condition." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 32. Thus, Applicant submits claim 32 is in condition for allowance.

Regarding claim 33, Applicant has presented arguments for the allowability of claim 32, from which claim 33 depends. Thus, Applicant submits claim 33 is also in condition for allowance.

Regarding claim 34, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 34. As one example, Applicant submits the cited portions of the cited reference fail to disclose "delete from the call processing queue a previously queued dispensable message when a call signaling message of the plurality of call signaling messages is a dispensable message and when the previously dispensable message exists" and "enqueue the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 3," Applicant

notes the Examiner has argued, with respect to claim 2, that teaching as to "dispensable" in the cited reference relate to "(lower priority class)." Yet, col. 6, lines 30 and 31, of the cited reference state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 34 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 35. As one example, Applicant submits the cited portions of the cited reference fail to disclose "delete a previously queued dispensable message from the call processing queue when a call signaling message of the plurality of call signaling messages is a dispensable message or an indispensable message and when the previously dispensable message exists" and "enqueue the call signaling message into the call processing queue when the previously queued dispensable message is deleted." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 5," Applicant submits the cited portions of the cited reference teach away from such features. As one example, Applicant notes col. 6, lines 30 and 31, which state, "...the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 36. As one example, Applicant submits the cited portions of the cited reference fail to disclose "delete from the call processing queue a previously queued indispensable message when the previously queued dispensable message does not exist and when the call signaling message is an indispensable message and when the previously indispensable message exists" and "enqueue the call signaling message into the call processing queue when the previously queued indispensable message is deleted." While the Examiner states, "it is rejected for the same reasons as stated in the rejection of claim 3," Applicant notes the Examiner does not allege teachings, with respect to claim 3, of "...when the previously indispensable message exists..." or "...when the previously queued indispensable message is deleted." Therefore, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with respect to claim 36. Thus, Applicant submits claim 36 is in condition for allowance.

Regarding claim 37, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 37. As one example, Applicant submits the cited portions of the cited reference fail to disclose "maintain a plurality of dequeuing lists, wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claim 11, and the Examiner cites, with respect to claim 11, "(list of vacant locations and priority queues QU1, QU2, see claim 14)," Applicant submits the Examiner does not indicated how the Examiner apparently considers two types of items (a "list of vacant locations" and "priority queues QU1, QU2"), as cited by the Examiner, to allegedly disclose all of "wherein the plurality of dequeuing lists track available locations in the call processing queue, an ordered list of types of call messages, an ordered list of dispensable messages, and an ordered list of indispensable messages." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation with respect to claim 37. Thus, Applicant submits claim 37 is in condition for allowance.

Regarding claim 39, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 39. As one example, Applicant submits the cited portions of the cited reference fail to disclose "dequeue dispensable call messages from the call processing queue in a LIFO manner based on the ordered list of dispensable messages when in a sustained overloading condition." While the Examiner states, ""it is rejected for the same reasons as stated in the rejection of claims 9 and 10, and Examiner cites, with respect to claim 9, "(col. 6, lines 3-7 and 24-31)," Applicant notes col. 6, lines 28-31, state, "...data packets are still stored in the queue QU2 of the lower priority class P2, one data packet will be deleted from the queue QU1 and the vacated location will be used for storing a data packet of the high priority class P1." Therefore, Applicant submits the cited portions of the cited reference appear to teach away from the proposition the Examiner appears to assert. Thus, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 40. Applicant submitted arguments for the allowability of claims from which claim 40 depends. Thus, Applicant submits claim 40 is in condition for allowance.

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Willmann, et al. (U.S. Patent 5,521,923). Applicant respectfully disagrees.

Regarding claim 13, the Examiner acknowledges "Willmann is silent in using a LIFO queue." However, the Examiner states "Last-In-First-Out is a well known queuing method that is obvious and desirable to use when the next item to be retrieved is the item most recently placed in the queue." Applicant submits the Examiner fails to cite any evidence in the prior art as to teachings with respect to "...in a LIFO manner...." Moreover, Applicant submits the Examiner has failed to state any motivation for modifying the teachings of the Willmann reference to purportedly yield "dequeuing dispensable call messages from the call processing queue in a LIFO manner based on the ordered list of dispensable messages when in a sustained overloading condition." Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness with respect to claim 13. Thus, Applicant submits claim 13 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date

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